

HAS ADJOURNED UNTIL NEXT MONDAY

Superior Court Ran Out of Cases at 3:15 Yesterday Afternoon.

ARGUMENTS HEARD DURING DAY

Case of James Gavigan Against the Atlantic Refining Company Considered at Length--Arguments Made in the Action Brought by J. M. Tompkins Against the Scranton Traction Company--Case of Steere Against Oakley.

At 3:15 yesterday afternoon the Superior court disposed of all of the cases that were ready for argument this week and adjourned until Monday morning next at 10 o'clock.

When court reconvened yesterday morning Attorney John F. Scragg made the concluding argument in the matter of a public road in Jefferson township. The appeal of the Atlantic Refining company from a verdict obtained by James Gavigan in the common pleas court of this county was then heard. Mr. Gavigan owns a house



HON. CHARLES E. RICE, President Judge of the Superior Court of Pennsylvania.

at 1013 Capouse avenue, where he resides with the members of his family. A short distance away are the storage tanks of the Atlantic Refining company. Mr. Gavigan alleged that the small from the refining company's plant and the percolating of oil through the ground had greatly damaged his property and a jury in common pleas court awarded him a verdict of \$170.84. From this verdict the defendant appealed.

Hon. W. W. Watson appeared for the Refining company and argued that on the trial of the case the plaintiff did not produce any evidence that warranted the court below in submitting the case to the jury. He maintained that it was in error to allow the case to be heard. He said it was not denied that there is to some extent the smell of refined kerosene oil about the appellant's premises, but the odor is not offensive or injurious. Mr. Watson then carefully went over all the important decisions bearing upon the case and made a strong argument to show that the plaintiff is not liable in an action for damages. In concluding, he said:

"Believing as we do that the final decision of this case is of vast importance to the business interests of this city as well as other cities in the commonwealth, we have deemed it proper to make our argument of considerable length."

ARGUMENT OF MR. BURKS.

Attorney I. H. Burks argued the case from Mr. Gavigan's point of view. He told the court that the waste oil and refuse from the refining company's plant had saturated the soil about the appellee's house and has seriously affected the health and comfort of the appellee and his family. "That the plaintiff suffered particular injury is plain to be seen," contended Mr. Burks. "This is not an action for the suppression or abatement of a nuisance, but simply for the damage sustained by the plaintiff. Counsel for appellant excuses the length of the argument on account of the vast importance to the business interests of this city as well as other cities of the commonwealth." This speaks well for the patriotism and philanthropy of the learned counsel, but we do not understand that these vast interests have exhibited any undue alarm over the probability that the Atlantic Refining company may have to pay \$170.84, or that they have taken any steps to get themselves upon the record or to employ counsel to defend their rights and property. When they do it will be time enough for this court to consider them. "Sufficient unto the day is the evil thereof." He that goeth out after trouble is not wise.

The case of J. M. Tompkins against the Scranton Traction company, appellant, from the common pleas of this county, was argued at some length. On Jan. 12, 1894, Mr. Tompkins and his son were driving to their home in Green Ridge and in endeavoring to cross the Catonnes avenue car track near Larch street, his wagon was wrecked and Tompkins and son thrown out and injured. The elder Tompkins brought suit to recover damages for injuries he sustained and was awarded \$200 by the jury. From this verdict an appeal was taken. When the case was tried in the county court the trial judge was asked to say that Tompkins had been guilty of contributory negligence, but he declined to do so.

QUESTION AT ISSUE.

Attorney Horace E. Hand made the argument on behalf of the Traction company, and maintained that the question to be decided was whether when a person drives on a track of a street railway and is immediately struck by a car he is guilty of such contributory negligence as will prevent a recovery. He held that the law on the point is well settled and is as follows: "It is the duty of a traveler about to drive across a street railway to look and listen for an approaching car, and to stop, if necessary, at the edge of the track, and his neglect to do so is negligence per se." In concluding, Mr. Hand said: "We respectfully submit that the verdict was based upon insufficient testimony which was wrongfully submitted to the jury, and the judgment should be reversed."

Attorney S. B. Price, who presented the argument on the part of the plaintiff, Tompkins, asked that the judgment of the lower court be affirmed for the reason that the car was going at a rate of speed that was not safe at the time of the accident and that the car did not have a proper headlight so that its approach might be readily discerned. Another case argued yesterday was C. C. Steere against D. K. Oakley, appellant, from the common pleas of this

SECOND TRIAL OF A COMPLICATED CASE

Suit Against Ex-Cashier Jessup's Bondsman.

ECHO OF THE CITY BANK FAILURE

Brilliant Array of Legal Talent Engaged--Trial is Likely to Occupy Several Days--Sketch of the Proceedings in the Case Up to Date. Other Matters in Common Pleas Court Yesterday.

Before Judge Purdy, specially presiding in common pleas, the second trial of the now famous Jessup case was begun yesterday morning. The plaintiff's side is represented by John F. Scragg, S. B. Price and Charles H. Welles, while at the defendant's table are James H. Torrey, Major Everett Warren, W. H. Jessup and Justice Alfred Hand. It was 3 o'clock p. m. before the trial was actually begun owing to the detention of Messrs. Scragg and Price at the Superior court. While waiting for them a jury was drawn and the action of the plaintiff's statement in the case were arranged so that upon their arrival the hearing of evidence was at once begun.

The action was brought by Joseph H. Gunster, assignee of the defunct Scranton City bank against the defaulting cashier, Geo. A. Jessup and his bondsman, Judge W. H. Jessup, Dr. B. H. Throop and Albert Bardsley, to recover \$12,667.31, the amount which it is alleged he illegally converted to his own use while acting as cashier.

According to the plaintiff's statement Mr. Jessup was elected cashier April 1, 1882, and continued in that position until January 12, 1886. Three years later, May 25, while Mr. Jessup was a vice president of the bank assigned, Joseph H. Gunster, plaintiff, was appointed cashier. He made an examination of the books and discovered, he avers, a shortage of over \$160,000. Of this amount \$12,667.31 was withdrawn irregularly while Mr. Jessup was cashier and suit was brought by the assignee for the benefit of the plaintiff's creditor, this sum from the surpluses on the bond.

REHEARSALS' PROGRESS.

Work of Preparing the Spectacle, Ben Hur, for Its Production is Progressing Rapidly.

There is probably not a busier place in Scranton than the drill hall on Washington avenue, where rehearsals are daily taking place for the production of "Ben Hur," which is to be given at the Frothingham next week, beginning Thursday, Jan. 21, for the benefit of the Summer Home for poor women and children. Any person who is at all conversant with the work necessary to bring a modern stage spectacle to a state of perfection will realize the many difficulties with which the ladies who have the matter in charge have to contend.

There will be more than 150 people in the production, and almost the entire number report for rehearsal each day. The participants in the drama are assigned a certain hour for drill, and before they have finished the young ladies who are to take part in the spectacular marches have reported for practice, and so it continues all day. At the rehearsals of the average amateur theatricals the participants usually manage to intersperse with considerable fun the stern realities of stage life. But not so in the case of the "Ben Hur" spectacle.

Two weeks is practically all the time possible to devote to rehearsals, and as a result every person in an interest in the production of General Lew Wallace's masterpiece has found it necessary to give exclusive and undivided attention to the business at hand. However, the progress made by the different characters has been really remarkable. Many of the dances and marches have been brought well-nigh to perfection, and even in the case of those where it has been found necessary to change the personnel of the corps, the progress made has been very flattering.

BIRD CARNIVAL AND CONCERT.

Will Be Given Tonight by the Kellogg Company in Y. M. C. A. Hall.

The third number of the Young Men's Christian association standard course will be given this evening by the Kellogg bird carnival and concert company. The following programme will be rendered:

- Charles D. Kellogg, bird warbler, Emily Stuart Kellogg, contralto. Miss Emma Dillman, reader and Calisthenic. Miss Mary Bowman, pianiste. D. P. Adamson, electrician. 1. Bird warbling solo, serenade. 2. Vocal solo, selected. Mrs. Kellogg. 3. Vocal duo. "Allied." Mrs. Dillman and Mrs. Kellogg. 4. Bird carnival. Mr. Kellogg. 5. Delsarte Attitudes. Mrs. Dillman. 6. Happy Birds (ch. and bird whistling). Mr. and Mrs. Kellogg. 7. Five Minutes Intermission. 8. Scarf tableaux. Mrs. Dillman. 9. Calisthenic tableaux. Mrs. Dillman.

ESTIMATED CITY EXPENSES.

Will Be Considered by Common Council Tonight.

The estimates of the various city departments for expenses during the fiscal year beginning April 1 will be presented to common council tonight and referred to the joint estimates committee.

City Controller Robinson now has possession of the department estimates. He will deliver them to councils along with his estimates of the city's revenue.

Last year the total appropriations amounted to \$74,827 for general purposes and \$69,849 for sinking fund and interest, a grand total of \$134,676.

DIED AT DENVER, CAL.

Abner E. Norton Was Formerly a Resident of This City.

On Tuesday afternoon Abner E. Norton, a former well known resident of Scranton, died at his home in Denver, Col. Prior to his departure for Denver nineteen years ago, Mr. Norton resided in Scranton and was prominent in business and church circles, being closely allied with the interests of the Methodist church and Sunday school. He leaves to mourn his departure a wife, two children and two sisters, Miss Media Reed, of Scranton, and Mrs. Ella E. Strohecker, residing at Kingston, Pa.

OFFICERS CHOSEN.

At a meeting of the stockholders of the Lackawanna Lumbering company in the company's office yesterday the following were elected directors: W. F. Mattes, C. C. Mattes, L. T. Mattes, Mary G. Mattes and John P. Lewis. The meeting was presided over by a president, vice-president and a secretary and treasurer in the order in which the names appear above.

At the annual meeting of the Dime Deposit and Discount bank Tuesday the old board of directors was re-elected. It consists of Charles DuPont, Brock, R. G. Brooks, A. L. Francois, George B. Jernyn, E. J. Lynett, Solomon Goldsmith, W. J. Lewis, M. H. Dale, C. H. Schait, David Sprinks, J. W. Garney, C. S. Seaman and James Fitch. At the meeting of the new board of directors immediately after the annual meeting, Charles DuPont Brock was chosen president, R. G. Brooks, vice-president, and E. J. Lynett, secretary.

Great Opportunity to buy diamonds now offered at the great auction sale at Davidow Bros., 217 Lackawanna avenue. Skates at Florey's, 25c.

POLITICAL JOTTINGS.

The Republicans of the Nineteenth ward caucused at Sossong's hall, Prospect avenue, last night. Peter Hink was chairman, and John W. Hart-

CASTORIA

For Infants and Children.

There will be a joint caucus of the Seventeenth ward Republicans at Alderman Howe's office, 502 Lackawanna avenue, Saturday, Jan. 16, 1897, between the hours of 7 and 9 p. m. for the purpose of placing in nomination one person for the common council and district election officers. By order of Vigilance Committee, George Barnard, C. B. Penman, M. J. Andrews.

To Cure a Cold in One Day.

Take Inactive Bromo Quinine Tablets. All druggists refund the money if it fails to cure. 25 cents.

Notice.

The following is a list of display cards kept in stock at this office and for sale at ten cents each: Rooms for rent. For sale. This property for sale. Furnished rooms. House for rent. House to let, etc.

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THE HOSTESS

Knows that the decorations of her dinner table will be regarded as reflecting her good taste and judgment. An artistic and handsome Dinner Set will add much to the effect. How much better your New Year's dinner will taste with white table linen and dainty dishes. We can furnish the dishes at any price you want to pay. Come in and look them over.

LAMPS, BRIC-A-BRAC, SILVERWARE, ETC.

CHINA HALL, MILLAR & PECK, 134 Wyoming Avenue. Walk in and look around.

EYES EXAMINED FREE.

You can save money by buying spectacles of Silverstone, the eye specialist, at 209 Lackawanna avenue, only one flight over the Lehigh Valley ticket office. The following prices will satisfy you that they are the cheapest in the city: Solid gold-rimmed spectacles at \$3.50 per pair; filled bows at \$2; nickel bows from 50c. to \$1.50; aluminum bows from 75c. to \$2.00; colored glasses from 25c. to \$1.25. We have a large line of reading glasses, the best in the market, at 25c. per pair. Opera and magnifying glasses at reduced prices. Office hours, 8 a. m. to 12 m., 1 to 6 p. m. Remember that your eyes will be examined free and satisfaction is guaranteed.

BOARD'S ANNUAL MEETING.

It Will Not Be Held in the New Building.

The board of trade's annual meeting will be held Monday night, but contrary to expectations it will not be in the new building. At this meeting officers will be chosen. Next week Sec-

HIS BEAUTIFUL VENUS.

William Farrell Was Lost in Admiration When Arrested.

"Venus," my own, my beautiful Venus," frequently and fervently repeated by a poorly dressed man, whose wild, glossy eyes gazed toward the heavens, was the enigma which confronted Patrolman Moir on Lackawanna avenue last evening about 6:30 o'clock.

The officer surveyed the man, whom a crowd had gathered, for a few moments, and came to the conclusion that the man was demented. He accordingly took him to the station house, shortly after which it was learned that the prisoner's name was William Farrell, that he was crazy and had escaped from the Hillside farm yesterday morning. He was returned to that institution.

CONSIDERED MATTERS OF INTEREST TO THE Y. W. C. A.

The regular monthly meeting of the state executive committee of the Young Women's Christian association was held yesterday afternoon in the home of Mrs. L. M. Gates, 209 Madison avenue. The gathering partook of a social nature, for after the business had been transacted, tea was served by the hostess and the remaining time was spent socially.

The various committees reported progress and it was voted that next spring an extended city survey should take up extension work in the

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The Paris

400-402 Lackawanna Ave., Opp, Wyoming House.

SLAUGHTER SALE

Cloaks and Trimmed Hats.

We have 10,000 Dollars worth of JACKETS, CAPES, SEPARATE SKIRTS AND TRIMMED HATS, and in order to dispose of them in time not to carry them over, we will not keep in our store any other goods before they really reduce their prices to any extent.

We have already put the knife into our prices and cut them right into half. Not a single garment can you find in our handsome, cheerful and well lighted store that does not come up to the full standard in regard to STYLE and QUALITY. Our store is lighted not by gas, or any other light that makes your garment look one way in the store and another when you get home. Our store is lighted by NATURAL DAY LIGHT and with PLENTY of it.

We handle NO TRASH. If you want trash, then go elsewhere and you'll find plenty of it there. We handle FINE goods only, and would not keep in our store anything that is not FINE IN QUALITY and UP-TO-DATE in style, even if we could never sell a garment.

Reliable Goods. Reliable Treatment, Is Our Motto.

It is only six weeks since we have opened our store, and we can confidently say that we have, during that time, made more friends than any other cloak store during so many years.

Goods Cheerfully Exchanged, Perfect Fit Guaranteed. No Extra Charge.

You save from 25 to 50 cents on the dollar as to price by buying your Cloaks and Trimmed Hats of us, besides being sure that you are getting good goods of the latest style and best workmanship.

THE PARIS

400-402 LACKA. AVE., OPP. WYOMING HOUSE. Cor. Lackawanna and Wyoming Aves. Scranton, Pa.

WE HAVE THE BEST

Full Dress Suits

To Be Found In the City.

Tailor-Made, Tailor Fit And Finish. And About Half Tailor Prices.

BOYLE & MUCKLOW

416 LACKAWANNA AVENUE.

THE MOOSIC POWDER CO.,

ROOMS 1 AND 2, COM'LTN B'LD'G, SCRANTON, PA.

Mining and Blasting POWDER

MADE AT MOOSIC AND RUGDALE WORKS.

LAFLIN & RAND POWDER CO'S ORANGE GUN POWDER

Electric Batteries, Electric Exploders, for exploding bluffs, Safety Fuse, and Repauno Chemical Co.'s HIGH EXPLOSIVES.

THEIE

School of Music, 520 Spruce St. Mrs. Katharine Thiele, Voice Training, Solo Singing. Ernest Thiele, Violin, Piano, Cello ensemble. Both teachers at celebrated Scharwenka Conservatory, New York. Also other competent teachers engaged. Mr. Thiele is the successor to the late HERR KOPFF.

THE KEELEY CURE

Why let your home and business be destroyed through strong drink or narcotics when you can be cured in four weeks at the Keeley Institute, 728 Madison avenue, Scranton, Pa. The Cure Will Bear Investigation.

New Year Cards, Pocket Diaries, 1897, Peloubet's Notes on the Sunday School Lessons, 1897.

Deep cut in prices all this week on all Holiday Articles, Toys, Games, Blackboards, Desks, Toilet Cases and Fancy Articles, Holiday Books and Fancy Stationery, at very large reductions, to clear out balances.

Bargains for New Year presents. NORTON'S, 322 Lackawanna Ave.

Shavings

The use of Shavings for bedding for horses or cows is not New But put up like straw in Small Bales

Is something new. Cheaper Than Straw, Cleaner Than Straw, Better Than Straw. We keep it.

The Weston Mill Co

SCRANTON, OLYPHANT, CARBONDALE.

ABSOLUTELY WITHOUT PAIN

EXTRACTION OF TEETH WITH "ANAESTHESINE," FINEST DENTAL WORK IN THE CITY.

DRS. HENWOOD & WARDELL

36 LACKAWANNA AVE.

PERSONAL.

J. Alexander, Jr., who has been confined to his home by illness the past few days, is improving.

Attorney A. J. Colborn returned yesterday from Towanda, where he went on legal business.

Alderman J. T. Howe was in Blakely yesterday attending the funeral of his mother-in-law, Mrs. B. Kenyon.

M. P. Judge, of Breck street, and P. J. McCaffrey, of Jefferson avenue, left Tuesday for an extensive tour through the southern states.

P. P. Magargo leaves for Rochester this week, where he will continue the bicycle business which he has been carrying on in this city for a year past.

Miss Ethel Lewis, of the North End, gave a progressive euchre party at her home Tuesday evening, which was attended by society people of Providence and central city.

Colonel Ezra H. Ripple, Hon. William Connell, John Jernyn and E. B. Sturges left yesterday morning for New York, where they attended a meeting of coal men.

W. A. Whitman, representing the Pennsylvania Sanitation company of Philadelphia, called on City Engineer Phillips yesterday. Mr. Whitman, who is a select councilman in his native city, Reading, was at one time one of the leading figures in the Pennsylvania State Base Ball league.

T. W. Snowdon and John Henore, lumber dealers of this city, are in Philadelphia, attending the lumberman's convention. One of the objects hoped to be attained by the lumbermen is the restoration of the old tariff. This will protect United States lumber dealers from the importations from Canada, which have been injurious to home dealers.

Miss Helen A. Brooks, formerly of Boston, and who recently became traveling secretary of the Pennsylvania state college department of the Young Women's Christian association, has entered upon the duties of her new one, with headquarters in the Young Women's Christian association rooms in this city. She will have twenty-five college associations under her charge and will also supervise the organization of new associations in colleges.

Nickel plated Skates at Florey's, 70c. Other grades in proportion.

A Happy Man

Is he whose feet rest comfortably in our correct-made shoes. The most attractive of Bull Dogs if you want--any other shape toe if you wish.

There's no other Winter Shoe like Our Tan "College" Boot.

\$3.50 The Pair.

SCHANK & SPENCER

410 Spruce Street.